



Board Agenda Item 51

DATE: August 5, 2025

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages, Denying Application for Leave to Present a Late Claim and Granting Application for Leave to Present a Late Claim

RECOMMENDED ACTION(S):

1. **Adopt Resolution Denying Application for Leave to Present a Late Claim;**
2. **Adopt Resolution Granting Application for Leave to Present a Late Claim; and**
3. **Adopt Resolutions Rejecting Claims for Damages.**

There is no increase in Net County Cost associated with the recommended actions. After evaluation by the Claims Review Committee, submitted claims are presented to the Board with recommendations for action. If the claim is in the County's jurisdiction, the Summary of Claims denotes the affected supervisorial district.

ALTERNATIVE ACTION:

For any claim, your Board could choose not to approve the Claims Review Committee's recommendations, and instead direct staff to allow, compromise, settle, or further investigate the claim.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Payment of claims and the cost of defending claims are charged to the Department's Org 8925, Risk Management Internal Services Fund. The Fund is supported by annual budgetary contributions from County departments based on actuarial projections.

DISCUSSION:

The Board has delegated authority to the Human Resources Director to allow, reject, compromise, or settle claims for damages covered by the County's self-insured program or excess liability insurance in amounts up to \$50,000 pursuant to Chapter 5.02 of the County's Ordinance Code. Similarly, the board has delegated authority to the County Administrative Officer to settle or compromise claims up to the same amount. Claims exceeding that amount are referred to your Board after evaluation by the Claims Review Committee (CRC). The CRC considers various claim elements, which include jurisdiction, allocation of fault, immunities, and compliance with the Government Claims Act by claimants. The CRC consists of the Human Resources Director, Assistant Director of Human Resources, Risk Management staff, and a Chief Deputy County Counsel.

For all claims, a reserve is established, which is estimated by Risk Management to be sufficient to pay the cost of investigating and defending the claim, and to pay any damages for which the County is liable.

After evaluation by the CRC, claims exceeding the authority of the Human Resources Director and the County Administrative Officer are presented to the Board with a recommendation for action on each claim. Upon rejection of a claim, the claimant has six months to file a lawsuit against the County for damages based on the claim.

The CRC has reviewed the claims that are summarized briefly below, and rejection is recommended for each claim.

Application(s) for Leave to Present a Late Claim for Damages

<u>Claim No.:</u>	<u>Claimant(s)</u>
11459	Nigel Marin
11461	Donna Nelson

Claims

<u>Claim No.:</u>	<u>Claimant(s)</u>
11342	Jarrett Geyer
11349	Dale Thompson
11392	Luis Chavez
11456	Jocelyn Younger
11461	Donna Nelson
11463	Victoria Clack
11465	Donald Hearon
11470	Jennifer Ward
11471	Marc Mendez
11473	Gloria Leonard

Summary of Application(s) for Leave to Present a Late Claim

Nigel Marin - Claimant claims \$500,000 and alleges the County Jail failed to timely complete a court-ordered mental health diversion evaluation and he was forced to plead to a felony, which was the proximate cause of the claimant's injuries. Claimant alleges that he was incarcerated and involuntarily medicated with antipsychotic drugs, and that, during the 18-month period after the end of his incarceration, he was mentally and emotionally incapacitated to pursue any legal remedies. The claim was submitted three years and seven months past the date of loss. The CRC recommends that this late claim application be denied because the application does not establish any of the criteria set forth in Government Code section 911.6, subdivision (b), for granting such an application. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 3.

Donna Nelson - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges after she was released from the County Jail, her property was not returned to her, which was the proximate cause of the claimant's injuries and damages. Claimant alleges, with the support of a letter from a physician, that she was mentally and physically incapacitated during the period at issue and lacked the capacity to handle her own affairs, including filing a government claim. The CRC recommends that this late claim application be granted under Government Code section 911.6 subdivision (b)(4), due to "the person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time". The CRC also recommends that the claim be rejected (see below). The claim was submitted a year past the date of loss. Claimant is represented by attorney Carter White. This incident is alleged to have occurred in District 3.

Summary of Claims

Jarrett Geyer - Claimant claims \$30,000,000 and alleges the Sheriff Department is biased against him because they failed to act on his complaints or enforce restraining orders against his neighbors who have continuously harassed him and made false accusations of him, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 5.

Dale Thompson - Claimant claims \$14,016.98 and alleges a Sheriff Deputy failed to yield the right of way at the intersection of Arthur Avenue and Santa Ave, Fresno, CA 93705 which caused a collision, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Frank Nunes. This incident is alleged to have occurred in District 2.

Luis Chavez - Claimant claims \$250,000 and alleges their vehicle was rear-ended by a County of Fresno employee, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by attorney Sunny Hawks. This incident is alleged to have occurred in District 3. Claimant is a different person from the member of your Board with the same name.

Jocelyn Younger - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges the ceiling of the home she was residing at fell on top of her, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Jane Volfson. This incident does not involve the County of Fresno because the County does not own or maintain Fresno Housing.

Donna Nelson - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges after she was released from the County Jail, her property, namely "a valuable painting and jewelry," was not returned to her, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by attorney Carter White. This incident is alleged to have occurred in District 3.

Victoria Clack - Claimant claims \$3,000,000 and alleges constructive wrongful termination from the County of Fresno, sexual harassment and failure to prevent sexual harassment, intentional infliction of emotional distress, and unfair competition, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Christopher Conkle. This incident is alleged to have occurred in District 3.

Donald Hearon - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges the hazardous condition of a sidewalk located at or near 4540 N Blackstone Ave, Fresno, CA 93726, resulted in him tripping and falling, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Janine Mitchell. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Jennifer Ward - Claimant claims \$300,000 and alleges the hazardous condition of a sidewalk located at or near the intersection of W. San Madele Avenue and N. Brooks Avenue, Fresno, CA 93711, resulted in her tripping and falling, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Sunny Hawks. This incident is alleged to have occurred in District 4.

Marc Mendez - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he was passenger aboard a FAX bus and was violently attacked by two other passengers, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Brandon Gomez. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Gloria Leonard - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges the hazardous condition of the intersection at Friant Road and Willow Avenue, Clovis, CA 93619 caused her to be in an auto accident, which was the proximate cause of the claimant's injuries. She alleges the intersection does not have the necessary traffic signals and lighting. Claimant is represented by attorney Jessica Behmanesh. This incident is alleged to have occurred in District 2.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution Denying Leave to Present Late Claim for Damages
On file with Clerk - Resolution Granting Leave to Present Late Claim for Damages
On file with Clerk - Resolutions Rejecting Claims for Damages (10)

CAO ANALYST:

Sevag Tateosian